

Fil-Prim'Awla tal-Qorti Civili

19.10.99

Citt. Nru: 411/99/RCP

L-Avukat Dr. Jotham Scerri  
Diacono nomine

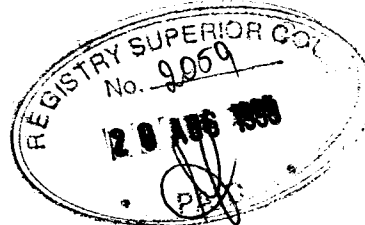
vs

L-Avukat Dottor Joseph Azzopardi  
u l-Prokuratrici Legali Joanna  
Dingli nomine u CAMCO (Nominee)  
Limited nomine

Nota tal-eccezzjonijiet ta' Camco (Nominee) Limited ghan-  
nom u in rappresantanza tas-socjeta River-Sea  
Shipmanagement Limited,  
Teccepixxi bir-rispett;

- 1) Illi t-talbiet tal-atturi fil-konfront tal-esponenti huma nfondati fil-fatt u fid-dritt u ghandhom jigu michuda bl-ispejjes kontra l-atturi.
- 2) Illi s-socjeta esponenti, ai termini tal-Kapitolu 330 tal-Ligijiet ta' Malta ma titqiesx bhala residenti f'dawn il-gzejjer u bhala tali ma' jistghux jigu ntavolati proceduri kontra taghha quddiem din l-Onorabbli Qorti, stante illi din l-Onorabbli Qorti, bir-rispett kollu, ma ghandhiex gurdizzjoni fuq l-istess.
- 3) Illi bla pregudizzju ghas-suespost is-socjeta esponenti tissottometti illi hija ma ghandha ebda relazzjoni guridika mal-atturi fil-konfront tal-allegazzjonijiet kontenuti fic-citazzjoni u ghalhekk ghandha tigi liberata mill-osservanza tal-gudizzju bl-ispejjez kontra l-atturi.
- 4) Illi l-allegazzjonijiet kontenuti fil-premessi tac-citazzjoni, in kwantu riferibbli ghas-socjeta esponenti, huma ghal kollox vaghi u bla ebda fundament guridiku u wiehed jista' jekwiparahom biss ma dak li l-Inglizi isejhu "fishing expedition" u ghalhekk huma legalment insostenibbli.
- 5) Salvi eccezzjonijiet ohra.

Lennart Depasquale LL.D.



Il-lum 20 ta' Awwissu 1999

l-rappresentata mill-

bl-avukat /b- dok /b- dok

Dikjarazzjoni ta' Camco (Nominee) Limited ghan-nom u in  
rappresentanza tas-socjeta River-Sea Shipmanagement  
Limited,  
Tesponi bir-rispett u bil-gurament Dr. Mark Camilleri  
LL.D. jikkonferma;

1) Illi preliminarjament l-esponenti jixtieq jirrileva  
illi bhala stat ta' fatt, is-socjeta River-Sea  
Shipmanagement Limited tinstab fi stat ta' likwidazzjoni,  
li taghha Camco (Nominee) Limited hija l-istralcjarju.

2) Illi t-talbiet tal-atturi fil-konfront tal-esponenti  
huma nfondati fil-fatt u fid-dritt u ghandhom jigu michuda  
bl-ispejjes kontra l-atturi.

3) Illi s-socjeta esponenti, ai termini tal-Kapitolu 330  
tal-Ligijiet ta' Malta ma titqiesx bhala residenti f'dawn  
il-gzejjer u bhala tali ma' jistghux jigu ntavolati  
proceduri kontra taghha quddiem din l-Onorabbli Qorti,  
stante illi din l-Onorabbli Qorti, bir-rispett kollu, ma  
ghandhiex gurdizzjoni fuq l-istess.

4) Illi bla pregudizzju ghas-suespost is-socjeta esponenti  
tissottometti illi hija ma ghandha ebda relazzjoni  
guridika mal-atturi fil-konfront tal-allegazzjonijiet  
kontenuti fic-citazzjoni u ghalhekk ghandha tigi liberata  
mill-osservanza tal-gudizzju bl-ispejjes kontra l-atturi.

5) Illi l-allegazzjonijiet kontenuti fil-premessi tac-  
citazzjoni, in kwantu riferibbli ghas-socjeta esponenti,  
huma ghal kollox vaghi u bla ebda fundament guridiku u  
wiehed jista' jekwiparahom biss ma dak li l-Inglizi isejhu  
"fishing expedition" u ghalhekk huma legalment  
insostenibbli.

Lennart Depasquale LL.D.

Ilum 29th August 1999

Deher Dr. Mark Camilleri

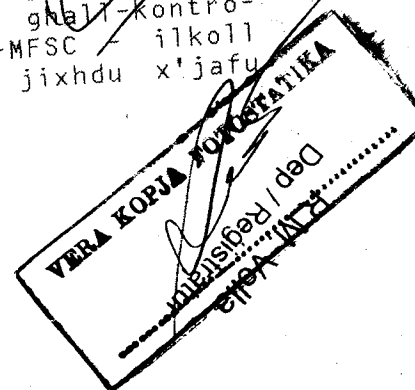
D. No.

Defel il-korretezza ta' din id dikjarazz-  
zjoni / r-ikkers wara li għajnu.

Xhieda: l-esponenti biex jikkonferma d-dikjarazzjoni u  
biex jixhed, l-atturi u x-xhieda tal-atturi għall-kontro-  
ezami u sabiex jixhdu, rappresentanti tal-MFSC - ilkoll  
għall-konferma tal-fatti dikjarati u biex jixhdu x'jafu  
dwar l-fatti.

Lennart Depasquale LL.D.

Notifika: Dr. Jotham Scerri Diacono LL.D.



In the First Hall of the Civil Court

19.10.99

Writ of Summons No. 411/99 RCP

**Advocate Dr. Jotham Scerri-Diacono nomine**

**vs**

**Advocate Dr. Joseph Azzopardi and Legal Procurator**

**Joanna Dingli *nomine* and CAMCO (Nominee) Limited  
*nomine.***

Statement of Defence of Camco (Nominee) Limited on behalf of and in representation of  
River-Sea Shipmanagement Limited.

Respectfully submits:-

- (1) That plaintiffs' demands in regard to the defendants are unfounded in fact and at law and should be rejected with costs against the plaintiffs.
- (2) That the defendant company, according to Chapter 330 of the Laws of Malta is not deemed to be resident in these Islands and as such no proceedings can be instituted against it before the First Hall of the Civil Court, since the First Hall of the Civil Court does not have jurisdiction over the defendant company.
- (3) That without prejudice to the above, the defendant company submits that it does not have any juridical relationship with the plaintiff in regard to the

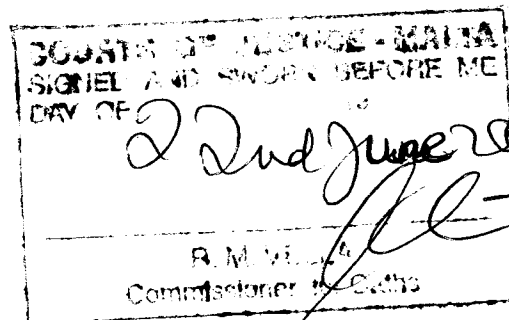
allegations mentioned in the writ of summons and, therefore, should be declared non suited with costs against the plaintiff.

- (4) That the allegations mentioned in the premises of the writ of summons with regard to the defendant company are completely vague and unfounded at law and one can only conclude that they amount to nothing more than what the English would call a "fishing expedition" and, therefore, are legally unfounded.
- (5) Saving further pleas.

Signed: Lennart Depasquale LL.D.

I confirm on oath that this is  
a faithful translation into English  
of the original version in Maltese

P. Fikman  
P.L. Madeleine Fikman  
Legal Practitioner



Declaration of Camco (Nominee) Limited on behalf of and in representation of River-Sea Shipmanagement Limited.

Respectfully submits and Dr. Mark Camilleri LL.D. confirms under oath:

- (1) Primarily defendant wishes to state as a fact that River-Sea Shipmanagement Limited is in liquidation and that Camco (Nominee) Limited is acting as its liquidator.
- (2) That plaintiffs' demands in regard to the defendants are unfounded in fact and at law and should be rejected with costs against the plaintiffs.
- (3) That the defendant company, according to Chapter 330 of the Laws of Malta is not deemed to be resident in these Islands and as such no proceedings can be instituted against it before the First Hall of the Civil Court, since the First Hall of the Civil Court does not have jurisdiction over the defendant company.
- (4) That without prejudice to the above, the defendant company submits that it does not have any juridical relationship with the plaintiff in regard to the allegations mentioned in the writ of summons and, therefore, should be declared non suited with costs against the plaintiff.
- (5) That the allegations mentioned in the premises of the writ of summons with regard to the defendant company are completely vague and unfounded at law and one can only conclude that they amount to nothing more than what the English would call a "fishing expedition" and, therefore, are legally unfounded.

Signed: Lennart Depasquale LL.D.

**Today 20<sup>th</sup> August 1999, appeared (before me) Dr Mark Camilleri, ID No. ..., who confirmed on oath the correctness of this declaration after I read it out to him  
Signature,  
D/Registrar".**

Witnesses: The defendant to confirm the declaration and to give evidence, the plaintiff and the plaintiff's witnesses for cross-examination and to give evidence, representatives of MFSC – for the confirmation of declared facts and to give evidence of what they know about the facts.

Signed: Lennart Depasquale LL.D.

Service Upon - Dr. Jotham Scerri Diacono LL.D.

I confirm on oath that this is a faithful translation into English of the original version in Maltese

M. Fikman

Madeline Fikman

Legal Procurement

